

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION CINCINNATI**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

QIAN WILLIAMS,

Case No.1:17-CR-00117-MRB

Judge Michael R Barrett

Defendant,

ORDER

This matter is before the Court on Defendant's Motion to Dismiss ("Motion to Dismiss") (Doc. 66) for an alleged violation of the Speedy Trial Act.

The Speedy Trial Act requires a defendant's trial begin within seventy days of the filing of the indictment or arraignment , whichever is later. 18 USC § 31611(c)(1); *United States v. Marks*, 209 F.3d 577 (6th Cir. 2000). However, the seventy day rule is subject to excludable periods of delay for the consideration of motions, pre-trial proceedings, competency examinations, and other procedural matters. *See* 18 USC §3161(h).

Mr. Williams was indicted originally in 2017 and appeared for Arraignment on October 20, 2017. On October 31, 2019, Attorney Clyde Bennett filed a Request for a Bill of Particulars (Doc. 19) and two Motions to Suppress (Docs. 21, 22). On December 14, 2017, January 9, 2018 and February 9, 2018, Mr. Williams signed waivers of speedy trial. (Docs. 26, 29, and 33). A superseding indictment was returned on March 7, 2018. (Doc. 37). Mr. Williams appeared and was arraigned on the new indictment on March 14, 2018. Attorney Bennett withdrew. On March 27, 2018, Attorney William Gallagher was appointed to represent Defendant. This Court

twice entered "ends of Justice" orders when continuing the matter. (Doc. 49 and 56). While the Request for a Bill of Particulars and Motions to Suppress were pending, an additional motion for a Bill of Particulars (Doc. 60) and Motion to Suppress and Dismiss were filed. (Doc. 57).

On August 27, 2018, a hearing was held on the Motions to Suppress and Dismiss filed in this case. The hearing was held open until September 5, 2018. (Doc. 62). A decision was entered on the foregoing motions on October 5, 2018. (Doc. 63). On October 24, 2018, and after a lengthy sidebar, Attorney Gallagher: (1) made an oral Motion to Dismiss premised on a claimed violation of the Speedy Trial Act; and (2) made an oral request on behalf of Defendant seeking the appointment of new counsel. (Doc 65). The latter Motion was granted (Doc. 65), and the Federal Public Defender was appointed (Doc. 69).

Based upon the Court's review of the docket, the calendar, and Defendant's representations at sidebar on October 24, 2018, the Court finds no violation of the Speedy Trial Act. Defendant's Motion to Dismiss (Doc. 66) is **DENIED**.

s/Michael R. Barrett

HON. MICHAEL R BARRETT
UNITED STATES DISTRICT JUDGE